

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MEMORANDUM

Honorable Anthony W. Ishii
Chief United States District Judge
Fresno, California

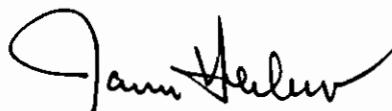
RE: Dismissal of Expired Probation/
Supervised Release Warrant Cases

Your Honor:

This memorandum is to request the Court vacate and recall the probation and supervised release warrants issued in the following delineated cases and dismiss the underlying Petitions as jurisdiction in these cases have expired.

The Ninth Circuit Court of Appeals decision in U.S. v. Vargas-Amaya, 389 F.3d 901 (2004) ruled that a district court's jurisdiction to revoke supervision beyond the term of supervision ordered is extended if the warrant was issued "upon probable cause, supported by Oath or affirmation," as required by the Fourth Amendment. The probation office has identified a large number of warrants issued in the Eastern District of California which were based upon alleged violations of probation and/or supervised release and jurisdiction of these cases have expired due to the now-invalid warrants. Accordingly, it is recommended the Court recall the warrants and dismiss the cases as noted below.

Respectfully submitted,



James E. Herbert
Assistant Deputy Chief U.S. Probation Officer

Dated: April 28, 2010
Fresno, California
JEH

Honorable Anthony W. Ishii
Fresno, California

**RE: Dismissal of Expired Probation/
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Cases**

cc: United States District Court Clerk's Office

United States Marshals Service

THE COURT ORDERS

(v) Vacate the Petition on Probation or Supervised Release/Warrant Requests and recall the warrants issued on the following cases pursuant to U.S. v. Vargas-Amaya.

4-28-10
Date


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Name	Docket Number	Warrant Issued	Expiration
ADAMS, Richard K.	CR-F-89-00154 (Fre)	01/17/1990	10/23/1991
AHO, Raymond W.	CR-F-84-00037 (Fre)	09/25/1990	11/18/1986
ALARCON, Alex R.	1:02CR05336 (Fre)	12/23/2003	09/13/2004
ALOCER, Fidencio	1:01M02232 (Fre)	03/21/2003	12/20/2003
ARAMBULO, Michelle	5:00-20376M (Bksfld)	02/28/2002	12/04/2003
ARCE, Jose	1:00CR05460 (Fre)	02/19/2004	02/20/2004
AVILA, Joseph E.	88-0476 (Yos)	02/14/1989	10/26/1990
BERMUDEZ, Octavio	5:01-20622M (Bksfld)	05/01/1997	11/13/1997
BROWN, Edward E.	83-00156 (Fre)	01/30/1987	11/27/1988
CAUDROS-HERNANDEZ, Arturo	1:99CR50866 (Fre)	09/26/2002	01/30/2005
CENICEROS, Leopoldo	5:01-20622M (Bksfld)	08/21/2002	07/09/2004

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CHON, Jose A.	90-3030M (Bksfld)	05/30/1990	02/26/1991
CONFAIR, Shawn B.	5:99-20326M (Bksfld)	10/25/2000	05/10/2001
CRITSER, Alan	5:95-2055M (Bksfld)	07/09/1996	08/07/1997
DOMINGUEZ, Jesse	82-3623M (Bksfld)	10/06/1982	05/03/1985
DUBOIS, David	94-20603M (Bksfld)	11/04/1994	06/20/1997
DYSON, Michael	5:01-20608M (Bksfld)	08/19/2002	01/09/2005
EGGLESTON, David	81-00065 (Fre)	12/10/1984	07/19/1986
EICHORN, Timothy	CITR0705373 (Bksfld)	05/10/1999	06/03/1999
ENRIQUEZ, Jesus U.	1:00CR05449 (Fre)	03/18/2002	11/14/2003
EPPS, Thomas H.	1:05M00200 (Fre)	11/01/2005	02/28/2006
ESCALERA, Raymond M.	89-3123M (Bksfld)	09/10/1990	09/11/1990
FOWLER, Steven D.	81-0220 (Yos)	07/08/1981	06/29/1983
GELLERMAN, Michael S.	93-0856 (Yos)	03/05/1997	02/11/1998
GILBERT, Amanda	5:20538M (Bksfld)	01/16/2002	01/22/2002
HADDADIN, Basam	1:02CR05058 (Fre)	03/27/2003	02/05/2004
HARGRAVE, Phyllis	87-0718 (Yos)	01/05/1989	11/23/1989
HARRIS, Jane	5:01-6652M (Bksfld)	02/09/1993	12/09/1992
HERNANDEZ, Abel	97-0154 (Yos)	03/03/1998	08/03/1999
HUERTA, Randal	97-2087 (Fre)	12/08/1998	09/06/2001
JACOBS, Tracy	5:96-2099M (Bksfld)	11/12/1996	08/12/1998
JARRETT, Temeka	5:01-20678M (Bksfld)	02/24/2003	03/11/2004
JOHNSON, John	5:87-5949M (Bksfld)	08/12/1988	01/11/1990
KENT, Barbara	5:98-20261M (Bksfld)	01/06/2000	11/30/2001
KIRBY, Dale L.	85-3554M (Bksfld)	11/04/1986	01/13/1989
KLUGKIST, Paul	1:02CR05168 (Fre)	01/08/2003	08/20/2003
LEPAPE, Richard	95-8089 (Yos)	09/06/1996	01/07/1997
MADRID, Donald	79-0215M (Yos)	09/14/1979	04/11/1980
MALONEY, Sean	5:94-20595 (Bksfld)	10/27/1995	11/07/1995

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MARTINEZ, Alfred	87-2059M (Fre)	10/06/1987	06/08/1990
MARTINEZ, John B.	PR84-4 (Bksfld)	06/05/1984	08/03/1985
MERKOUSKO, Mark	84-1047 (Yos)	11/30/1987	01/30/1988
MILLER, Jonathan	5:00-20518M (Bksfld)	01/07/2003	01/13/2003
MORRIS, Joseph E.	96-2220M (Fre)	10/03/1997	03/19/2000
MCCORMACK, James	77-1467M (Yos)	01/18/1979	12/21/1978
MCDONALD, Scott	88-2353; 88-3034 (Bksfld)	09/1988	06/12/1991
MCGUIRE, Ricky	5:83-5522M (Bksfld)	06/07/1984	09/12/1986
MCNEAL, Howard J.	91-0067; CR-PAIN-91-6202 (Fre)	11/14/1996	06/13/1999
MCNERNEY, Daniel	95-0166 (Yos)	06/1996	06/11/1996
NAVA, Anastacio	93-5248 (Fre)	06/07/1994	01/07/2001
NELSON, Jerome	95-0395; 95-0396 (Yos)	12/29/1995	11/14/1998
OCHOA-MENDIVILL, Eduardo	97-5180 (Fre)	01/26/1998	12/01/1998
PEREZ-ROCHA, Alberto	90-174 (Fre)	02/12/1992	10/30/1996
PINKARD, George	87-0409 (Yos)	03/07/1989	09/08/1990
RALDA, Yeri A.	1:04MJ2231 (Fre)	11/03/2005	06/30/2006
RAMOS-ANAYA, Jorge	1:96CR05308 (Fre)	07/06/1999	11/27/1999
REYNOLDS, Stephen D.	85-145 (Fre)	11/26/1996	05/28/2001
RODRIGUEZ, Robert	97-2127M (Fre)	04/23/1999	08/17/2000
RUSSELL, Michael P.	83-3078M (Bksfld)	11/08/1985	11/16/1985
RYAN, Daniel	86-0650 (Yos)	04/24/1989	11/23/1989
SALAZAR, Eduardo	1:04-2208M (Fre)	11/09/2005	06/07/2008
SALMU, Armas M.	94-5205 (Fre)	03/26/1997	03/02/1998
SANDERS, Raymond C.	91-3092M (Bksfld)	01/16/1992	01/22/1992
SANDOVAL-ENRIQUEZ, Concepcion	93-5202 (Fre)	11/04/1993	10/24/1995
SANTIAGO, Roberto	5:01-20591M (Bksfld)	01/15/2002	04/09/2004
SCOVILLE, Douglas	92-6049M (Bksfld)	06/14/1993	09/07/1994

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SHARPE, Kevin	5:98-2226M (Bksfld)	10/20/1999	07/06/2001
SHEPHERD, Derek A.	92-55443M (Bksfld)	10/11/1994	06/15/1995
SINGH, Deepinder	92-5060 (Fre)	11/22/1993	04/15/1995
SMITH, Stanley	94-0211 (Yos)	03/25/1996	09/06/1996
SPEED, Rosita	93-5239 (Fre)	11/09/1994	09/02/1996
STACER, Gordon	5:95-20072M (Bksfld)	11/12/1996	12/11/1996
STREETER, Eboni	5:00-02375M (Bksfld)	03/05/2001	12/04/2003
SWEENEY, Timothy M.	91-0704; 91-0717 (Yos)	03/16/1992	09/30/1994
TAIWO, Masai	5:02-20801 (Bksfld)	08/06/2004	03/31/2005
TEHANEY, David A.	90-0599 (Yos)	07/28/1992	01/06/1993
TUCKER, Mike	98-3417M (Bksfld)	11/24/1998	07/13/2000
UREN, Francois	90-0183 (Yos)	09/13/1990	06/25/1993
VANCE, Kenneth	90-3417M (Bksfld)	06/19/1992	04/22/1993
WHITE, Sherrie	1:94CR5054 (Fre)	12/10/1998	08/13/1999
WILSON, Mark	91-5509M (Bksfld)	12/18/1991	05/13/1994
ZEPEDA Sr., Mickey	1:99-2049M (Fre)	10/24/2001	03/30/2002